

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HOWARD SANDERS, #249473,

Plaintiff,

v.

CASE NO. 2:13-CV-12287

M. DAVENPORT, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This is a pro se civil rights case brought pursuant to 42 U.S.C. § 1983. The court has before it Plaintiff Howard Sanders's motion for summary judgment for claims involving two of the named defendants, Deputy Warden Artis and Warden Haas. The court, however, has already ruled that Plaintiff failed to state a claim upon which relief may be granted in his complaint and dismissed his civil rights complaint as to all of the defendants. Consequently, Plaintiff's request for summary judgment is moot.

Moreover, to the extent that Plaintiff seeks reconsideration of the court's decision, he is not entitled to relief. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550–51 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The court properly dismissed his complaint and concludes that an appeal from this order cannot be taken in good faith. See 28 U.S.C.

§ 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly,

IT IS ORDERED that Plaintiff's motion for summary judgment is DENIED. This case is closed.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 16, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 16, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522